

REMARKS

Preliminarily, Applicant respectfully requests the Examiner to return initialed Form PTO/SB/08 A & B (modified) for the Information Disclosure Statement filed March 21, 2005. Form PTO/SB/08 A & B (modified) has been entered into the USPTO PAIR system.

In response to the objection to the Abstract as being in claim format, Applicant presents a modified Abstract for the Examiner's consideration.

Claims 1-4 and 6-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,667,343 to Hessman et al. in view of U.S. Patent No. 6,634,842 to Ueno and further in view of U.S. Patent No. 4,318,874 to Lemelson. The grounds for rejection remain substantially the same as set forth in the previous Office Action, except that the Examiner now relies on Lemelson as teaching that a resin can be heated to melt the same so as to unseal a wrench reception socket that has been sealed with a resin as taught by Ueno.

Applicant traverses, and respectfully requests the Examiner to reconsider for the following reasons.

Claim 1 is directed to a cutter body comprising a cartridge for allowing a cutting insert to be removably fixed thereto, a cutter body member, a second screw for fixing the cartridge to the cutter body member, and an adjustment screw for adjusting the position of the cartridge. One or both of a wrench reception socket of the fastened second screw and a wrench reception socket of the adjustment-completed adjustment screw is sealed. Furthermore, the sealed wrench reception socket of the second and/or adjustment screw can be unsealed for readjustment and resealed as needed.

Turning to the cited prior art, Ueno surely discloses a sealed adjustment screw, and the Examiner would modify the cutter of Hessman et al. to include a sealed adjustment screw or sealed second screw of Ueno as required by the present claims. However, the Office Action does not identify sufficient suggestion or motivation, either in the references themselves or in knowledge generally available to one of ordinary skill in the art, to modify Hessman et al. or to combine the reference teachings. The fact that Ueno teaches a sealed adjustment screw, of itself, provides no suggestion or motivation to modify the cutter body of Hessman et al. to incorporate the same.

In fact, Ueno teaches at column 2, lines 34-38 that:

...the inventors of the invention have proceeded to develop a new screw which cannot be easily removed after it is once tightened.

To clearly distinguish the invention from the cited prior art, the claims have been amended to recite that "the sealed wrench reception socket of said second and/or adjustment screw can be unsealed for readjustment and resealed as needed".

There is no motivation to combine the cited references, such that the Office Action fails to establish a *prima facie* case of obviousness. In this regard, MPEP §2143.01 stresses that "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art". Not only does the prior art fail to disclose the particular problem solved by the present invention (which prevents accidental adjustment, while also allowing for readjustment when necessary by unsealing the wrench reception socket - see

paragraph [19]), neither the prior art nor knowledge generally available to one of ordinary skill provides any sort of teaching, suggestion or motivation to incorporate a crime prevention screw of Ueno in a face milling cutter of Hessman et al.

At page 6 of the Office Action, the Examiner asserts that:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to sealed the wrench reception socket of Hessman et al.'s fastener by resin-made embedding material as taught by Ueno for the purpose of preventing drawing-out of the screw ('842, Col. 1, lines 10-15) (i.e. to make tamper proof).

Ueno surely describes use of its crime prevention screw for fastening a license plate to the body of an automobile or to fix a car stereo or car navigation device in the interior of an automobile (column 1, lines 42-50). The use of the crime prevention screw for preventing drawing-out of the screw makes sense in these applications. However, this reasoning does not apply to the wrench reception socket of Hessman et al. which includes an adjustment screw so as to allow the cutter to be adjusted.

From a different aspect, when the embedding material 18 of Ueno is formed by a resin, it includes an upper surface portion 18a for covering the recess portion 35c and protrusions 18c which are forced into engagement portion 35f so that the embedding material 18 cannot come out of the recessed portion 35c. See Figs. 15, 16(a) and 16(b) and column 16, lines 25-52 and particularly, lines 50-52. That is, simply adopting the resin-embedded crime prevention screw of Ueno in the cutter body of Hessman et al. would not allow the screw to be unsealed for readjustment and resealed as needed, a characteristic feature of the invention as claimed in present claim 1.

Lemelson teaches injection molding of molten thermoplastic resins to produce a molded article. This kind of high-temperature melting suggested by the Examiner does not provide an adjustment screw that can be unsealed for readjustment and resealed as needed as required by present claim 1. See, for example, paragraph [19] of the present specification which exemplifies silicone rubber (not a molding resin) as one such resin for use in the invention where adjustment and sealing can be repeated any number of times.

Regarding claim 6, the Examiner cited various references that teach various fasteners having a variety of wrench reception sockets. However, claim 6 requires more than just selection from a variety of wrench reception sockets. Claim 6 requires that one or both of the wrench reception sockets has a shape that does not fit a wrench for use with the other, and it is this aspect of the invention that is not taught by "Official Notice" or any of the prior art cited by the Examiner.

As to claim 3, the Examiner cited Ueno's Figs. 14(a) and 14(b) as teaching a recessed portion 37c having a projection that causes the inner surface of the wrench reception socket/research to be uneven/not smooth, namely, roughened. Perhaps claim 3 could be read so broadly as to encompass the type of projections shown in Figs. 14(a) and 14(b) of Ueno. However, such engagement portions do not satisfy the limitation of claim 1 which requires a sealed wrench reception socket that can be unsealed for readjustment and resealed as needed. As taught by Ueno in reference to Figs. 14(a) and 14(b), the embedding material 17 is embedded in the recess portion 37c of the screw head 37b so that the embedding material 17 cannot be drawn out (column 16, lines 6-10).

For the above reasons, it is respectfully submitted that the present claims are patentable over Hessman et al. in view of Ueno and further in view of Lemelson, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Withdrawal of all rejections and allowance of claims 1-4 and 6-14 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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